

SOUTH DAKOTA CHAPTER

E1-1505

Sierra Club

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Fax

To: Victoria Rutson From: Sam N Clauson

Attention: SEA Office Location: Rapid City

Office Location: DC Date: 6/6/05

Fax Number: 202-565-9000 Phone Number: 605 Fax: 348-1344

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

TOTAL PAGES INCLUDING COVER (4)

• Comments: RE: STB Finance Docket 33407-
Dakota Minnesota & Eastern
Construction into Powder
River Basin -
Draft Supplemental EIS
Comments

Please acknowledge.

Thank You, Sam Clauson

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CASE CONTROL UNIT
FINANCE DOCKET NO 33407
SURFACE TRANSPORTATION BOARD
1925 K STREET NW
WASHINGTON, DC 20423

ATTN: Victoria Rutson
Section of Environmental Analysis

VIA E-Mail : <http://www.stb.dotgov/stb/efilings.nsf>

FAX: 202-565-9000

Re: Dakota, Minnesota and Eastern Railroad Corp Construction into the Powder River
Basin- Draft Supplemental Environmental Impact Statement Comments

These comments filed at 11PM MDT via fax and e-mail this 6th day of June, 2005 are being filed on behalf of the members of the South Dakota Chapter Sierra Club (SDC) who live in South Dakota and behalf of the West River South Dakota resident members of the Prairie Hills Audubon Chapter (PHAS). These comments will be in addition to individual comments submitted by individual members of PHAS earlier this evening, and will be directed only towards the Air Quality portion and the Programmatic Agreement Governing Historic Review of the remand.

AIR QUALITY EFFECTS

Members of the SDC and the PHAS find it incredible that even after more than two years after the Court ordered a study of the affects of burning the additional coal projected to be hauled by this new rail line, that SEA has concluded that since "little additional coal would be produced nationally and regionally..... therefore "air emissions for sulphur dioxide, nitrogen oxides, carbon dioxide and mercury associated with the small increase of additional coal..... the increases would be less than 1 percent. However, on page ES-7, "STB concludes there MIGHT be more coal consumed and then therefore increased air emissions, but..... Because SEA couldn't measure this and couldn't predict and evaluate increased air emissions such a measure would be little more than speculation.

We believe this the kind of speculation cited over and over by the Applicant over the years in most aspects of this project, and if STB cannot figure this out, how are citizens supposed to feel comfortable leaving this decision basically in the hands of the Applicant.

STB's conclusions all arrive at the fact that there would ONLY be small increases in coal production, coal consumption, and on air emissions on a national and regional basis, and the lack of information needed to quantify impacts on a local basis. In spite of this, you still maintain the tired old argument there is really a "national purpose and need" for this project (even though the affects monetarily and environmentally would presumably be small). We believe you cannot have it both ways; the project is immaterial and small & therefore its affects are immaterial and small.

Recent national news stories indicate there is now even less demand for the low sulphur coal (yet less BTU producing) by the end users, (which are central US power plants and factories), due to various upgrades in equipment bringing them into compliance with stronger air emission standards already in place. There could be more demand for the higher output "eastern" coal thus further lessening a need for this upgrade. That "state of the art" aspect of power plant operations should also have been studied.

Furthermore, we find it unbelievable that it appears that SEA's selection of the NEMS Modeling System was based almost solely on the fact that EIA agreed to run the model for the Board at no cost. Since the possible short and long term affects of problems associated with diseases caused by toxic air emissions costs the taxpayers of the US billions of dollars each year, and contribute to thousands of illnesses and deaths, we believe the Court's remand demanded a much more thorough study, and the Applicant should have borne the cost.

Members of SDC and PHAC believe that the intent of the Court in remanding the Air Quality section of the Plan was that the entire process of what would happen to air quality nationally, if, as the Applicant contended from the beginning, their cheaper haul rates would generate a large increase in the amounts of Powder River Basin Coal burned by their customers. We believe this study was required and not completed.

PROGRAMMATIC AGREEMENT GOVERNING HISTORIC REVIEW

SDC and PHAC believe the entire process of obtaining signatories from the various tribes is totally unacceptable since none of the "invited" signatories of Tribal Representatives from South Dakota, Wyoming or Minnesota have signed the document. We believe no consultation with such Tribes were involved in the preparation of the SEIS.

Furthermore, we believe that the STB has still not complied with the terms of the 1851 and 1868 Fort Laramie Treaties, and that this new rail extension is a direct violation of these treaties.

Since the Remand by the Court in 2002, little action has been taken by the applicant to even try to iron out some of the differences amongst the major objectors, even though a substantial amount of federal funds have gone into upgrading of the existing rail line.

As we have maintained since the beginning of this project, and that is still the major emphasis of most of the arguments against building the line; there has never truly been a purpose and need shown for a project of this magnitude and one that affects many rural families who will be forced off their land or be forced to give up some or all of their way of life.

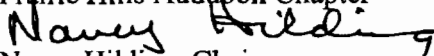
We conclude that the DSEIS fails to comply with the intent of the Court in the Air Quality and Programmatic Agreement Portions of the Plan, and while we believe such compliance could become a part of the Final Decision, we have little hope that any of these objections will be solved in the FSEIS.



Sam N Clauson, Conservation Chair
South Dakota Chapter, Sierra Club



Wendy Roth, Board Member
Prairie Hills Audubon Chapter



Nancy Hilding, Chair
Prairie Hills Audubon Chapter

SOUTH DAKOTA CHAPTER

Sierra Club

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FROM : Sierra Club-West River Office FAX NO. : 605 342 2255

Jun. 07 2005 12:12AM P2

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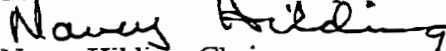
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